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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the1254th meeting
Held at the Palais des Nations, Geneva, on Friday, 24 October 2014, at 3 p.m.

Chairperson: Ms. Jahan

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* No summary record was prepared for the rest of the meeting.

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In the absence of the Chairperson, Ms. Jahan, Vice-Chairperson took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Ghana (continued)
(CEDAW/C/GHA/6–7; CEDAW/C/GHA/Q/6–7; CEDAW/C/GHA/Q/6–7/Add.1)

1. *At the invitation of the Chairperson, the delegation of Ghana took places at the Committee table.*

Articles 10 to 16

2. **Ms. Lithur** (Ghana), replying to questions posed at the previous meeting, said that education was a priority for her Government and absorbed 30 to 40 per cent of the national budget. To narrow the gender gap in education, the National Girl Child Education Directorate tackled factors hindering girls' ability to enrol in, attend and finish school. Measures targeting so-called deprived districts included scholarship aid for needy girls and improvements in school infrastructure. Pregnant girls and new mothers were allowed to return to school or, if necessary, transfer to a different school. Her Government would consider the Committee's recommendation to start reproductive health and sex education earlier in the curriculum. The Ministry of Gender, Children and Social Protection, together with the United Nations Population Fund, was implementing a pilot programme to increase girls' awareness of their reproductive health rights. If the pilot in three coastal districts was successful, it was expected to be implemented countrywide.

3. Fewer than 30 per cent of schools were operated by private entities, though more than half of vocational schools were. Teacher training institutions were all owned and run by the Government, which also ran schools for students with disabilities. Under current policy the mainstreaming of such students was encouraged.

4. Data from 2012 indicated that women's and men's participation rates in the labour market were 69 per cent and 72 per cent respectively, with slightly higher figures in urban areas.

5. Compliance with labour law was monitored by the Labour Department and the Ministry of Employment and Labour Relations. The large informal employment sector employed more women than men, and a fair number of its workers belonged to unions. The National Labour Commission had a grievance mechanism for employees and employers. Her Government had not ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) but would consider doing so. Preliminary steps were being taken, in collaboration with various stakeholders, to create a legal framework for regulating domestic work.

6. Replying to questions on other topics, she said that 12 per cent of the members of the various peace councils in Ghana were women. The Government was renovating the Kumasi open-air market, one of the largest in West Africa, and was seeking partnerships with private entities to refurbish other markets in the country. It was also taking other steps to support market workers, most of whom were women. Some institutions, such as the University of Ghana and some corporations, had adopted policies concerning sexual harassment, which was defined in the Domestic Violence Act. The unmet need for family planning had dropped to 26 per cent of the total need, while the use of contraceptives was rising.

7. **Ms. Kusi** (Ghana) said that, while abortion was treated as a criminal offence in Ghana, women could now obtain a legal abortion if their pregnancy fell into one of three

categories specified by the law. Most abortions in Ghana now were performed by medical practitioners in hospital-like settings. With more institutional support for family planning, which was covered by the public health insurance scheme, and with more education, abortion rates had dropped dramatically.

8. **Ms. Lithur** (Ghana) said that governmental guidelines and protocols relating to abortion had been revised in 2013 to make them more comprehensive. Women could request an abortion if they met one of the three legal conditions. Health-care providers, including midwives, were being trained in up-to-date methods, and the health authorities and civil society were working to educate the public about the issue and reduce the stigma associated with abortions. Police officers were trained to enforce abortion law, including Act 29, section 58, of the Criminal Code. Her delegation would inform the Committee shortly whether obstetrical emergencies were covered by the public health insurance scheme.

9. She disputed the allegation that the national health insurance scheme was collapsing. While there were some challenges in the Ashanti Region and with payments for certain providers, the scheme remained one of Africa's best.

10. Ghanaian women had traditionally maintained economic independence even in marriage. They could acquire land and other property in their own name without a spouse's approval. The courts acted in accordance with the law, though it was true that disputes did not always reach the court system. In addition, Muslim law, to which a portion of the population adhered, conflicted with Ghanaian law in some respects. The Intestate Succession Law, 1985 (PNCD Law 111), which governed widows' inheritance rights, was being reviewed by Parliament. She emphasized that when husbands died intestate, widows had no legal obligation to repay their dowry in order to inherit common property.

11. **Ms. Ayamba** (Ghana) said that, while the national budget did not include a separate line for family planning, the Government spent some 1.2 million cedis annually on family planning, mainly contraceptives, and received additional funding from donors. Some 1,500 community health nurses had been trained to assist with family planning in rural areas. Counselling was available for rural women as well as for men, whose support was necessary for initiatives to succeed. Adolescents were first offered abstinence counselling and were also provided with family planning resources if they specifically requested them. Health days were held in high schools to raise awareness of issues relating to reproductive health.

12. **Ms. Lithur** (Ghana) said that the Government had established girls camps during the school vacation to encourage junior and senior high school students to succeed and remain in the education system. The Ministry of Education had also launched a project to build 200 senior high schools, with the support of the Ghana Education Trust Fund and the World Bank, and scholarships would be made available to senior high school students, 60 per cent of which would be awarded to girls.

13. **Mr. Bruun** asked whether the Labour Department played a role in the complaints procedure in sexual harassment cases. Recalling that ILO had recommended that the State party should introduce a specific reference to gender discrimination and sexual harassment in its laws, he asked whether any relevant amendments had been made.

14. **Ms. Bareiro-Bobadilla** requested global figures on landownership, ideally disaggregated by gender and geographical location.

15. **Ms. Haidar** said that narrowing the education gap between rural and urban areas was not simply a matter of physical infrastructure; efforts should be stepped up to attract and retain teachers in more remote or underprivileged areas. She asked what measures were taken to prevent girls who were accused of witchcraft from dropping out of school.

16. **Ms. Gabr** asked what opportunities were available to women to work and be accepted in the country's burgeoning oil and gas industry and to study in that field.

17. **Ms. Nwankwo** said that the Committee's information regarding dysfunctions in the National Health Insurance Scheme had been taken from research conducted on the ground and should therefore not be dismissed.

18. **Ms. Lithur** (Ghana) said that the National Health Insurance Scheme was operational and that increasing numbers of people were joining it. Coverage currently stood at over 67 per cent. The government policy on oil and gas contained a gender component and women were actively encouraged to enter the industry. Over two thirds of women in witch camps were more than 70 years old. There was no data on girls accused of witchcraft, but it was hoped that the establishment of the Mental Health Fund would facilitate data collection. The Ministry of Education was introducing a zero-tolerance policy towards teacher absenteeism. Obtaining global figures on land tenure was difficult owing to inheritance practices under customary law and the clan system. A legal framework had been enacted regarding sexual harassment in the workplace, but no information was available on the number of organizations that had adopted anti-harassment policies. She was not aware that any laws had been amended to include a specific reference to gender discrimination and sexual harassment.

19. **Ms. Gabr** asked how children were protected against the potential adverse effects on their education of customs depriving widows of their inheritance.

20. **Ms. Lithur** (Ghana) said that, since the promulgation of the Intestate Succession Law, 1985 (PNDC Law 111), there had not been many cases of widowed mothers being forced to leave their homes. Moreover, evicting a widow from her home was an offence under the law, even if she was living in government housing, and a notice period had to be observed. Therefore, the key was to ensure that women were aware of their rights and of the fact that they could appeal to the police. In that connection, civil society had been instrumental and the Law had been translated into local languages. When such evictions did occur, the police and social welfare services stepped in to ensure that children were protected.

21. **Ms. Bareiro-Bobadilla** commended the State party on its excellent non-governmental organizations (NGOs). Pointing out that the rural population was far from being a minority as it made up nearly half of the country's population, she said that rural inhabitants, especially women, were widely discriminated against compared to their urban counterparts and were disproportionately affected by customary law. She asked what percentage of the population currently had access to drinking water. Noting that more rural women were employed than men, she said that it would be interesting to know what type of work they did, specifically whether it was stable and whether they had social security coverage. She wished to know how much control women, especially unmarried women, had over their income and in decisions regarding their health. Although the State party had a range of programmes for rural women, it would be advisable to adopt a comprehensive rural development plan with a gender perspective.

22. **Ms. Lithur** (Ghana) said that land reform was addressed in the Land Administration Project. The Government was aware of inequalities in terms of development and access to public services and had focused its social protection programmes primarily on rural areas. For example, education was free in the northern part of the country. However, it was important to also consider the urban poor. Employed rural women tended to be engaged in crop farming. They did not hand over their income to their husbands, but their income was meagre. The Government had set up rural public works programmes during the lean season in which women could also take part. Data on access to drinking water would be available once the sixth Ghana Living Standards Survey had been completed.

23. The Community Health Planning System included a referral mechanism for prenatal care, children's immunizations and malaria treatments. The System was a very innovative solution for health-care provision that the Government was exporting abroad and planned to expand. In addition, the Ministry of Health intended to train extra community nurses and medical assistants, expand mobile health care and explore the use of new technologies in health care. Providing statistics on the division of household chores between men and women, she said that gender roles were instilled at a young age. Accordingly, efforts were under way, in collaboration with the Government of the United States of America, to review educational materials and remove negative stereotypes.

24. **Ms. Schulz** expressed concern at the slow pace of progress regarding the property rights of spouses bill and at the possibility that it might not cover women in de facto unions. What was the Government was doing to ensure that, prior to the end of its current term of office, the bill would be enacted in its present form and would offer protection to cohabitants? Moreover, what was the situation with regard to the intestate succession bill? She asked whether the National House of Chiefs would be encouraged to codify customary law and eliminate socially harmful customs, including dowry payments. She wondered what was being done to tackle the issue of polygamous marriage and whether the Government was cooperating with the National House of Chiefs in order to promote change in that regard. For instance, were there plans to amend the relevant article of the Constitution?

25. She enquired about targets set for reducing the number of child, early and forced marriages and priorities established for the populations and regions most affected. She asked what steps had been taken to promote the registration of customary law marriages, whether women married under customary or religious law seeking a divorce benefited, in practice, from the more favourable solutions offered by the Matrimonial Causes Act, or whether the courts had to apply customary or religious law. She wondered whether the *Mensah v. Mensah* ruling applied to all divorce cases, without exception, and whether it had had an impact on the decisions of customary or religious authorities. Lastly, What proportion of divorce cases were ruled on in court and what proportion were dealt with by the customary or religious authorities?

26. **Ms. Lithur** (Ghana) said that the property rights of spouses bill had been referred to the Ministry of Justice to seek its advice on the possibility of including a legal definition of cohabitation. In Ghana, there were several forms of legally recognized marriage, thus the adoption of such a bill required extensive consultations. It was difficult to define cohabitation, owing to the wide variety of marriage traditions in Ghana. There was no real opposition in Parliament to the intestate succession bill. The National House of Chiefs had already begun codifying customary law and it was considered that consultations were required regarding dowry payments.

27. There were indications that there had been a fall in the number of polygamous marriages. The Law Reform Commission had been preparing a report on the forms of polygamous marriage that existed in Ghana; however, polygamy formed an intrinsic part of national culture and any attempts to tackle the issue must be based on consultations, and awareness-raising to change attitudes. Such an approach had helped to reduce the incidence of female genital mutilation. The Government had established a comprehensive legal framework protecting the rights of women in polygamous marriages in terms of domestic violence, the dissolution of marriage, property, inheritance and health care. Harmful traditional practices were prohibited under the Constitution. Women married under customary or religious law could avail themselves of the Matrimonial Causes Act and were entitled to alimony and a half-share in property. The *Mensah v. Mensah* ruling had not had a significant impact on the various authorities concerned. Data on divorces were available from the Judicial Service and the court registries, but it would be almost impossible to

collect information on the dissolution of customary law or religious marriages celebrated within families. Nonetheless, the procedures involved in the dissolution of customary law marriages were straightforward, albeit undocumented.

28. **Ms. Schulz** asked whether there was only one bill covering cohabitation and harmonization of all forms of marriage; furthermore, had a time frame been established for the passage of such legislation? Finally, were the conditions relating to and the impact of the dissolution of customary law marriages discriminatory against women?

29. **Ms. Lithur** (Ghana) said that the property rights of spouses bill was different from the bill harmonizing legislation on marriage, which would regulate the various forms of marriage existing in Ghana and provide for divorce. No time frame had yet been set for the adoption of either bill. The conditions relating to and the impact of the dissolution of customary law marriages were somewhat discriminatory. Consequently, the Government encouraged women to go through the courts and to avail themselves of the Matrimonial Causes Act.

30. **The Chairperson** thanked the delegation for its responses to the questions of the Committee members and asked Ms. Lithur whether she had any closing remarks.

31. **Ms. Lithur** (Ghana) thanked the Committee members for their comments, which would help the State party to devise more targeted and strategic measures. The Committee's concluding observations on the previous report of Ghana had provided extremely useful guidance regarding programmes of work, the passing of legislation on domestic violence and the preparation of a bill on affirmative action. Ghana would work to ensure that there was full compliance with the Convention and that adequate funds were set aside for that purpose.

32. **The Chairperson** thanked the delegation for engaging in the constructive dialogue. The Committee recognized that the State party faced many challenges regarding the promotion of gender equality and the elimination of discrimination against women. She commended the State party on its efforts and encouraged it to take all the necessary steps to address the recommendations of the Committee in future.

The discussion covered in the summary record ended at 5 p.m.